

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0859.01 Jerry Barry x4341

SENATE BILL 23-182

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer, Bridges, Exum, Ginal, Kolker, Marchman, Moreno, Priola

HOUSE SPONSORSHIP

Bird and Pugliese, Bockenfeld, Sirota

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE TEMPORARY SUSPENSION OF CERTAIN STATUTORY**
102 **REQUIREMENTS FOR MEDICAL ASSISTANCE PROGRAMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

As a condition of receiving federal money under the federal "Families First Coronavirus Response Act", the state was required to maintain the enrollment of nearly all individuals receiving medicaid until April 1, 2023, at which point states are given 14 months to return to normal eligibility and enrollment operations. Additionally, due to the declared public health emergency in Colorado in response to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
2nd Reading Unamended
April 12, 2023

SENATE
3rd Reading Unamended
March 20, 2023

SENATE
Amended 2nd Reading
March 17, 2023

COVID-19 outbreak and to effectuate the federal continuous enrollment requirement, the governor suspended certain statutory requirements related to enrollment and cost sharing in medical assistance programs. The bill suspends these requirements statutorily for the 14 months after April 1, 2023.

The bill suspends certain other statutory enrollment and cost-sharing requirements until May 31, or June 1, 2024, and other statutory enrollment requirements until 12 months past the declaration of the end of the federal public health emergency.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-101, **add** (5)
3 as follows:

4 **25.5-5-101. Mandatory provisions - eligible groups - rules -**
5 **repeal.** (5) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS
6 ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL
7 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND
8 THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", THE
9 FOLLOWING SUBSECTIONS OF THIS SECTION ARE SUSPENDED UNTIL JUNE 1,
10 2024:

11 (I) SUBSECTION (1)(c) OF THIS SECTION REQUIRING THE STATE
12 DEPARTMENT TO DISENROLL A WOMAN RECEIVING MEDICAL ASSISTANCE
13 SIXTY DAYS FOLLOWING THE WOMAN'S PREGNANCY;

14 (II) SUBSECTION (1)(d) OF THIS SECTION REQUIRING THE STATE
15 DEPARTMENT TO DISENROLL A CHILD AT ONE YEAR OF AGE WHO WAS
16 ELIGIBLE TO RECEIVE MEDICAL ASSISTANCE AT BIRTH;

17 (III) SUBSECTION (1)(e) OF THIS SECTION REQUIRING THE STATE
18 DEPARTMENT TO DISENROLL FORMER FOSTER CARE CHILDREN; AND

19 (IV) ANY OTHER PROVISION OF THIS SECTION THAT REQUIRES THE
20 STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL RECEIVING MEDICAL

1 ASSISTANCE PRIOR TO THE STATE DEPARTMENT PROCESSING THE
2 INDIVIDUAL'S NEXT ANNUAL RENEWAL FOR ELIGIBILITY FOLLOWING THE
3 END OF THE CONTINUOUS ENROLLMENT REQUIREMENTS IMPLEMENTED
4 PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE
5 ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED
6 APPROPRIATIONS ACT, 2023".

7 (b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
8 SUBSECTION (5) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
9 ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED
10 BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,
11 INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF
12 ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL
13 ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY
14 CATEGORIES.

15 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JUNE 1, 2024.

16 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-201, **add** (7)
17 and (8) as follows:

18 **25.5-5-201. Optional provisions - optional groups - rules -**
19 **repeal.** (7) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS
20 ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL
21 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND
22 THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", THE
23 FOLLOWING SUBSECTIONS OF THIS SECTION ARE SUSPENDED UNTIL JUNE 1,
24 2024:

25 (I) SUBSECTION (1)(p) OF THIS SECTION REQUIRING THE STATE
26 DEPARTMENT TO DISENROLL AN INDIVIDUAL ENROLLED IN THE MEDICAL
27 ASSISTANCE PROGRAM WHO REACHES SIXTY-FIVE YEARS OF AGE; AND

1 (II) ANY OTHER PROVISION OF THIS SECTION THAT REQUIRES THE
2 STATE DEPARTMENT TO DISENROLL AN INDIVIDUAL RECEIVING MEDICAL
3 ASSISTANCE PRIOR TO THE STATE DEPARTMENT PROCESSING THE
4 INDIVIDUAL'S NEXT ANNUAL RENEWAL FOR ELIGIBILITY FOLLOWING THE
5 END OF THE CONTINUOUS ENROLLMENT REQUIREMENTS IMPLEMENTED
6 PURSUANT TO THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE
7 ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED
8 APPROPRIATIONS ACT, 2023".

9 (b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
10 SUBSECTION (7) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
11 ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED
12 BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,
13 INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF
14 ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL
15 ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY
16 CATEGORIES.

17 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JUNE 1, 2024.

18 (8) (a) THE STATE DEPARTMENT MAY CONTINUE TO PROVIDE
19 COVERAGE FOR THE TESTING AND TREATMENT FOR COVID-19 FOR
20 UNINSURED INDIVIDUALS PURSUANT TO SECTION 1902
21 (a)(10)(A)(ii)(XXIII) OF THE FEDERAL "SOCIAL SECURITY ACT" THROUGH
22 MAY 31, 2023, WITHOUT FEDERAL FINANCIAL PARTICIPATION.

23 (b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
24 SUBSECTION (8) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
25 ROUTINE OPERATIONS IN AN ORDERLY PROCESS THAT FOLLOWS GUIDANCE
26 PROVIDED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID
27 SERVICES, INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF

1 ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAID AND
2 CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

3 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE MAY 31, 2023.

4 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-205, **add**
5 (3)(f) as follows:

6 **25.5-4-205. Application - verification of eligibility -**
7 **demonstration project - rules - repeal.** (3) (f) (I) TO ENSURE THAT THE
8 STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING
9 PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE
10 ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED
11 APPROPRIATIONS ACT, 2023", SUBSECTIONS (3)(b)(I) AND (3)(d) OF THIS
12 SECTION REQUIRING THE COLLECTION OR VERIFICATION OF ANY
13 INFORMATION RELATED TO MEDICAL ASSISTANCE ELIGIBILITY FACTORS,
14 INCLUDING CITIZENSHIP, HOUSEHOLD SIZE, INCOME, OR ASSETS FOR THOSE
15 INDIVIDUALS ALREADY ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM
16 ARE SUSPENDED UNTIL JUNE 1, 2024.

17 (II) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
18 SUBSECTION (3)(f) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
19 ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED
20 BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,
21 INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF
22 ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL
23 ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY
24 CATEGORIES.

25 (III) THIS SUBSECTION (3)(f) IS REPEALED, EFFECTIVE JUNE 1,
26 2024.

27 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-1404, **add** (6)

1 as follows:

2 **25.5-6-1404. Medicaid buy-in program - eligibility - premiums**
3 **- medicaid buy-in fund - report - rules - repeal.** (6) (a) TO ENSURE
4 THAT THE STATE DEPARTMENT MAINTAINS ACCESS TO STATE AND FEDERAL
5 FUNDING PROVIDED BY THE FEDERAL "FAMILIES FIRST CORONAVIRUS
6 RESPONSE ACT", PUB.L. 116-127, AND THE FEDERAL "CONSOLIDATED
7 APPROPRIATIONS ACT, 2023", SUBSECTIONS (1)(a), (1)(b), AND (3)(a) OF
8 THIS SECTION ESTABLISHING COVERAGE GROUP REQUIREMENTS AND
9 REQUIRING PAYMENT OF PREMIUMS IN ORDER TO MAINTAIN ELIGIBILITY
10 FOR THE MEDICAID BUY-IN PROGRAM ARE SUSPENDED UNTIL THE LAST DAY
11 OF THE TWELFTH MONTH FOLLOWING THE END OF THE DECLARED FEDERAL
12 PUBLIC HEALTH EMERGENCY AS A RESULT OF THE CORONAVIRUS DISEASE
13 2019, KNOWN AS "COVID-19".

14 (b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
15 SUBSECTION (6) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
16 ROUTINE OPERATIONS THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL
17 CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING
18 TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY
19 RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND
20 CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

21 (c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JUNE 1, 2024.

22 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-109, **add** (8)
23 as follows:

24 **25.5-8-109. Eligibility - children - pregnant women - rules -**
25 **repeal.** (8) (a) TO ENSURE THAT THE STATE DEPARTMENT MAINTAINS
26 ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE FEDERAL
27 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND

1 THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023",
2 SUBSECTIONS (4) AND (4.5)(a)(II) OF THIS SECTION REQUIRING THE STATE
3 DEPARTMENT TO DISENROLL AN INDIVIDUAL ENROLLED IN THE CHILDREN'S
4 BASIC HEALTH PLAN DUE TO THE ANNUAL VERIFICATION OF INCOME, AS
5 AUTHORIZED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES
6 ARE SUSPENDED UNTIL JUNE 1, 2024.

7 (b) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
8 SUBSECTION (8) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
9 ROUTINE OPERATIONS BY JUNE 1, 2024, THAT FOLLOW GUIDANCE ISSUED
10 BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES,
11 INCLUDING TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF
12 ELIGIBILITY RENEWALS, AND THE TRANSITION BETWEEN MEDICAL
13 ASSISTANCE AND CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY
14 CATEGORIES.

15 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JUNE 1, 2024.

16 **SECTION 6.** In Colorado Revised Statutes, 25.5-4-209, **add**
17 (1)(e) as follows:

18 **25.5-4-209. Payments by third parties - copayments by**
19 **recipients - review - appeal - children's waiting list reduction fund -**
20 **rules - repeal.** (1) (e) (I) TO ENSURE THAT THE STATE DEPARTMENT
21 MAINTAINS ACCESS TO STATE AND FEDERAL FUNDING PROVIDED BY THE
22 FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L.
23 116-127, AND THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT,
24 2023", SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION REQUIRING
25 COPAYMENTS OR MEMBER COST SHARING FOR COVID-19 TESTING,
26 VACCINES, SPECIALIZED EQUIPMENT, AND THERAPIES TO COMPLY WITH THE
27 "FAMILY FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AND THE

1 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, ARE SUSPENDED
2 UNTIL THE LAST DAY OF THE TWELFTH MONTH FOLLOWING THE END OF THE
3 DECLARED FEDERAL PUBLIC HEALTH EMERGENCY AS A RESULT OF THE
4 CORONAVIRUS DISEASE 2019, KNOWN AS "COVID-19".

5 (II) THE STATE BOARD MAY ADOPT RULES TO IMPLEMENT THIS
6 SUBSECTION (1)(e) TO ENSURE THAT THE STATE DEPARTMENT CAN RESUME
7 ROUTINE OPERATIONS THAT FOLLOW GUIDANCE ISSUED BY THE FEDERAL
8 CENTERS FOR MEDICARE AND MEDICAID SERVICES, INCLUDING
9 TERMINATIONS OF ELIGIBILITY, THE PROCESSING OF ELIGIBILITY
10 RENEWALS, AND THE TRANSITION BETWEEN MEDICAL ASSISTANCE AND
11 CHILDREN'S BASIC HEALTH PLAN ELIGIBILITY CATEGORIES.

12 (III) THIS SUBSECTION (1)(e) IS REPEALED, EFFECTIVE SEPTEMBER
13 30, 2024.

14 **SECTION 7. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.